

REMARKS

Applicants respectfully request reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

Claim 30 is currently being amended.

This amendment adds, changes and/or deletes claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate status identifier.

After amending the claims as set forth above, claims 1-25 and 27-53 are now pending in this application.

1. Rejection of Claims 1-5, 7-9, 11-13, 15, 16, 18-21, 23, 24, 27, 28, 30-36, 38-41, 43, 44, 46-48, and 50-53 as Being Anticipated by Stewart et al.

In section 7 of the Office Action, claims 1-5, 7-9, 11-13, 15, 16, 18-21, 23, 24, 27, 28, 30-36, 38-41, 43, 44, 46-48, and 50-53 were rejected under 35 U.S.C. § 102(b) as being anticipated by Stewart et al. (U.S. Patent No. 6,970,927). Applicants respectfully request reconsideration of the rejection in view of the reasons that follow.

Claim 1 is in independent form and recites a combination including, among other elements, “selecting a single level of security from a group of more than two security levels . . . wherein the group of more than two security levels is defined by a user of the network user node,” which is not disclosed by Stewart et al. In making the rejection of independent claim 1, the Examiner stated that Stewart et al. discloses:

wherein the group of more than two security levels is defined by a user of the network user node (Col 3, lines 15-28; Col 8, lines 44-50; Col. 10, line 65 to Col 11, line[] 3; the access information may be provided by the PCD of the user; plurality of the systems such as AP, MIB, or PCD with memory to support/manage the access features; using PCD instead of access point/MIB

Applicants respectfully disagree with the Examiner's conclusion. Specifically, Applicants submit that Stewart et al. does not disclose, either expressly or inherently, security levels "defined by a user of the network user node." The various portions of Stewart et al. cited by the Examiner may disclose that "the access information may be provided by the PCD of the user," (col. 3, lines 22-24), that a "[personal computing device] 110 . . . may include a memory medium on which computer programs or data according to the present invention may be stored," (col. 8, lines 45-49), and that a "user may configure the System ID on his/her [personal computing device] to uniquely identify the network provider to which the user has selected or subscribed," (col. 10, line 67 to col. 11, line 2). However, Stewart et al. does not disclose security levels "defined by a user of [a] network user node," as recited in claim 1.

Applicants further submit that this limitation is not inherent in Stewart et al., because the limitation is not "necessarily present in the thing described in the reference," (MPEP § 2112(IV)), as is required under the principle of inherency. For example, in Stewart et al., the access information may be defined by a network provider and stored on a personal computing device. In such a case, the access levels are not defined by a user of the personal computing device, but are merely stored on the device. Applicants submit that, in rejecting claim 1, the Examiner seems to be equating security levels that are defined by a user of a computing device (as in claim 1) and access levels that may be stored on a computing device of a user (as in Stewart et al.), which is improper. Therefore, because Stewart et al. fails to disclose at least one limitation of independent claim 1, Applicants respectfully request that the rejection of independent claim 1, and corresponding dependent claims 2-5, 7-9, 11-13, 15, 16, and 50, be withdrawn.

Claim 18 is in independent form and recites a combination including, among other elements, "a storage device for storing a table of security modifications . . . , the security modifications being defined by a user of the network user node," which is not disclosed by Stewart et al. The Examiner stated on page 4 of the Office Action that "[claim 18] is rejected applying the above rejection of claim 1." Applicants submit that independent claim 18 is patentable for at least the same reasons claim 1 is patentable, in that Stewart et al. fails to disclose at least one limitation of claim 18. Therefore, because Stewart et al. fails to disclose at least one limitation of independent claim 18, Applicants respectfully request that the

rejection of independent claim 18, and corresponding dependent claims 20, 21, 23, 24, 27, 28, and 51, be withdrawn.

Claim 30 is in independent form and has been amended to recite a combination including, among other elements, “wherein the group of more than two levels are defined by a user of the network user node,” which is not disclosed by Stewart et al. Applicants have amended claim 30 to recite a similar limitation to that contained in claims 1 and 18 which, as discussed above, are believed to be patentable over Stewart et al. Applicants submit that claim 30 (as amended) is patentable for at least the same reasons that claims 1 and 18 are patentable. Accordingly, Applicants respectfully request that the rejection of independent claim 30, and corresponding dependent claims 31-36 and 52, be withdrawn.

Claim 38 is in independent form and has been amended to recite a combination including, among other elements, “a network user node . . . wherein the network user node performs security modifications based on the physical location of the network user node,” which is not disclosed by Stewart et al. In Stewart et al., the security modifications are performed by the network system(s) or access point(s), which may receive the access level information from a personal computing device. In Stewart et al., the personal computing device does not perform security modifications. In contrast, claim 38 recites a “system implemented on a network user node for modifying security settings . . . wherein the network user node performs security modifications based on the physical location of the network user node.” Therefore, because Stewart et al. does not disclose at least one limitation of independent claim 38, Applicants respectfully request that the rejection of independent claim 38, and corresponding dependent claims 39-41, 43, 44, 46-48, and 53, be withdrawn.

2. Rejection of Claims 6, 10, 14, 22, 25, 37, 42, and 45 as Being Unpatentable Over Stewart et al. in View of Bade et al.

In section 7 of the Office Action, claims 6, 10, 14, 22, 25, 37, 42, and 45 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Stewart et al. in view of Bade et al. (U.S. Patent Appl. Publ. No. 2002/0138632). Claims 6, 10, and 14 depend from claim 1. Claims 22 and 25 depend from claim 18. Claim 37 depends from claim 30. Claims 42 and 45 depend from claim 38. As discussed above, independent claims 1, 18, 30, and 38 are believed to be patentable over Stewart et al. Bade et al. does not make up for the deficiencies of Stewart et al. with respect to independent claims 1, 18, 30, and 38. Accordingly, Applicants submit that independent claims 1, 18, 30, and 38, and corresponding dependent claims 6, 10, 14, 22, 25, 37, 42, and 45, are patentable over Stewart et al. in view of Bade et al., and respectfully request that the rejection be withdrawn.

3. Rejection of Claims 17, 29, and 49 as Being Unpatentable Over Stewart et al. in View of Zillikens et al.

In section 8 of the Office Action, claims 17, 29, and 49 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Stewart et al. in view of Zillikens et al. (U.S. Patent No. 6,813,503). Claim 17 depends from claim 1. Claim 29 depends from claim 18. Claim 49 depends from claim 38. As discussed above, claims 1, 18, and 38 are believed to be patentable over Stewart et al. Zillikens et al. does not make up for the deficiencies of Stewart et al. with respect to independent claims 1, 18, and 38. Accordingly, Applicants submit that independent claims 1, 18, and 38, and corresponding dependent claims 17, 29, and 49, are patentable over Stewart et al. in view of Zillikens et al., and respectfully request that the rejection be withdrawn.

4. Conclusion

Applicants believe that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 06-1447. Should no proper payment be enclosed herewith, as by a check or credit card payment form being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 06-1447. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicants hereby petition for such extension under 37 C.F.R. §1.136 and authorize payment of any such extensions fees to Deposit Account No. 06-1447.

Respectfully submitted,

Date 12/5/2006

FOLEY & LARDNER LLP
Customer Number: 26371
Telephone: (414) 319-7306
Facsimile: (414) 297-4900

By 

Matthew J. Swietlik
Attorney for Applicants
Registration No. 58,428